

REMARKS

The Examiner has objected to the disclosure based on certain informalities. The title above the Abstract has been deleted. Table 1 has been moved from pages 14-22 and has been incorporated into paragraph [0017]. The replacement paragraph with Table 1 are shown on page 2 of this paper. No new matter has been added and its entry is respectfully requested.

Claims 5, 6, 8, 18, 19, 24 and 25 have been amended to properly reference the compounds in Table 1. No new matter has been added by these amendments and their entry is respectfully requested.

The Examiner has stated that claims 9-11 would be allowable if the claims are rewritten in independent form. Claim 9 has been amended to an independent claim which includes all of the limitations of base claim 7. Dependent claims 11, 12 and 15 have been amended to properly depend on claim 9. No new matter has been added by the amendment and its entry is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

Claim 14 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended claim 14 to include the full name of the diluents hydroxypropyl beta-cyclodextrin (“HPBCD”) and dimethyl-eta-cyclodextrin (“DMCD”). Support for the amendment is found on page 3, paragraph [0012] and page 4, paragraph [0019]. No new matter has been added by virtue of these amendments and their entry is respectfully requested.

Claim Rejections - 35 U.S.C. § 102.

Claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 are rejected under 35 U.S.C. § 102 (b) as being anticipated by USP 5,367,899 to Mookherjee *et al.*

Applicants respectfully traverse.

Applicants invention is directed in part to a method of producing a composition having a fragrance that mimics that of a plant and working examples are disclosed on pages 7-8, paragraphs [0028] to [0030]. Methods are also provided for producing the desired compositions, including use of fluids to capture the compounds for analysis. (See, for example, page 5, paragraph [0021]. Neither the methods nor compositions require a plant to be enclosed in a 3-dimensional space. Further, applicants teach a list of compounds that can be used to produce a desired aroma. See, for example, Table 1. As anyone of ordinary skill in the art, including a lay person knows, each plant, including any plant in a family, have varying aromas. The examples cited by the Examiner in col. 1, line 51-col. 2, line 12 are merely an illustration that there are some differences between a living plant as opposed to a picked plant. However, there is no guidance as to how to make an aroma using precise compounds and amounts of such compounds. Mookherjee *et al.*, do not teach or disclose any of the compositions taught by applicants, nor any of the methods to produce such aromas.

In addition, Mookherjee *et al.*, use a combination of a fruit and a flower to produce an aroma. In contrast, applicants teach that to produce an aroma, only the plant in question is used to identify the compounds and the precise amounts that are needed to produce the aroma so that the produced aroma, mimics that of the plant. (See, for example, page 5, paragraph [0023]). Mookherjee *et al.*, does not teach or disclose the instant compositions nor the molar ratios taught by Applicants. Mookherjee *et al.*, fail to disclose each and every element claimed by applicants. Accordingly, applicants request reconsideration and withdrawal of the rejection.

Claim Rejections - 35 U.S.C. § 103

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mookherjee *et al.*

Applicants respectfully traverse.

As the Examiner acknowledges, Mookherjee *et al.*, differs from the instant claim in that Mookherjee *et al.*, does not teach or disclose a petunia from which the aroma is derived. Furthermore, Mookherjee *et al.*, fail to disclose a method or composition derived from the instant invention wherein an aroma is exclusively made from one plant. As discussed above, Mookherjee *et al.*, disclose the making of an aroma using a combination of both a flower and a fruit. Mookherjee *et al.*, teach away from using only a flower to make an aroma. Accordingly, Mookherjee *et al.*, fail to teach applicants' invention.

Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mookherjee in view of USP 4,868339 to Christenson *et al.*

Applicants respectfully traverse.

As discussed above, Mookherjee teach a combination of flower and fruit to produce an aroma. Accordingly, substituting glycerol as the Examiner suggests would not render any composition taught by Mookherjee obvious over any composition taught by Applicants. Furthermore, since Christenson was available as a reference to Mookherjee, then according to the Examiner's reasoning, Mookherjee *et al.*, would have been motivated to use glycerol and would have expected reasonable success. Such was not the case. However, as stated above, even if glycerol had been taught by Mookherjee, Mookherjee *et al.* would teach away from using only a flower or a fruit to obtain an aroma, with the resulting composition comprising different compounds. Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

Applicants respectfully request entry of the foregoing remarks and reconsideration and withdrawal of all rejections. It is respectfully submitted that this application with claims 1-27

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define patentable subject matter and is in condition for allowance. Accordingly, Applicants respectfully requests allowance of these claims.

This response is being timely filed within the shortened statutory period for reply and no fee is believed to be required by submission of these papers. If, however, a fee is due, the Commissioner for Patents is hereby authorized to charge such fee to Deposit Account No. 50-0951.

Respectfully submitted,

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Dated: April 11, 2005



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